



STATE OF WASHINGTON

## **PUBLIC EMPLOYMENT RELATIONS COMMISSION**

MICHAEL P. SELLARS, EXECUTIVE DIRECTOR

112 Henry Street NE, Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919  
(360) 570-7300 • Fax: (360) 570-7334 • Email Filings: [filing@perc.wa.gov](mailto:filing@perc.wa.gov) • Website: [www.perc.wa.gov](http://www.perc.wa.gov)

### **MINUTES**

June 11, 2019

The regular meeting of the Public Employment Relations Commission was held at:  
10:00 a.m.

PERC Conference Room  
9757 NE Juanita Dr., Suite 201  
Kirkland, Washington 98034

Those present and participating:  
Marilyn Glenn Sayan, Chairperson  
Mark R. Busto, Commissioner  
Kenneth J. Pedersen, Commissioner  
Mike Sellars, Executive Director  
Charity Atchison, Appeals Administrator  
Vanessa Smith, Confidential Secretary

#### **Minutes of the Previous Meeting**

The minutes of the previous meeting held on May 14, 2019, were adopted as presented.

#### **Report of the Executive Director**

1. We have been tracking monthly filings in comparison with previous years. The year-to-date total through May 2019 was the lowest since 2012. In hindsight, if 2018 had been a normal year without the surge in K-12 mediation work, last year's caseload would have also been lower than previous years. We will continue to monitor this trend.
2. The bill granting collective bargaining rights for assistant attorneys general will take effect on July 28, and bargaining will need to be completed by October 1.
3. The Olympia office lease has been renewed. Tenant improvements will be completed in June and July.
4. Several members of PERC's training team are currently working on an affinity model training that will involve over 100 employees at the Washington State Department of Social and Health Services. Reviews so far have been very positive.

5. Mike recently attended the National Academy of Arbitrators' conference, which provided an opportunity to learn what issues arbitrators are seeing and how they are approaching them nationwide, such as issues of police accountability. A significant number of arbitrators on our panel are Academy members.
6. The ALRA conference is coming up in July in Cincinnati, Ohio. Mike, Marilyn Sayan, and Emily Martin are so far scheduled to attend. Both Mike and Emily will be presenting.

### **Other Business**

Mike presented for discussion the matter of Commission members arbitrating public-sector cases in Washington as well as serving on the agency Dispute Resolution Panel. While the issue has been informally discussed in years past, several previous commissioners have not actively arbitrated public-sector cases in Washington or served on the agency Dispute Resolution Panel. However, over PERC's history, many commissioners have, such as former commissioner Mark Brennan and current commissioner Ken Pedersen.

The Commission agreed that nothing precludes the commissioners, who are part-time, per-diem appointees, from serving as arbitrators in public-sector cases in Washington. The statute creating the Commission states the desire to have commissioners with expertise and experience in labor relations. If a conflict arises as a result of a commissioner serving as an arbitrator on a matter that subsequently comes before the Commission, that conflict would be dealt with as all conflicts are dealt with.

With respect to the Dispute Resolution Panel, any list of arbitrators' names sent to parties by the agency is randomly generated. So, the commissioners who also serve on the Dispute Resolution Panel would not be able to use their status as commissioner to influence their names being sent to the parties.

Accordingly, the Commission agreed to continue to allow commissioners to arbitrate public-sector cases while on the Commission, with any conflicts being dealt with on a case-by-case basis. The Commission also agreed that commissioners are not precluded from being active members of the agency Dispute Resolution Panel.

### **Court Docket**

Charity Atchison reviewed the pending court cases and provided updated information where available. Pending Commission cases that have been appealed to court are available on the agency website.

### **Commission Docket**

The Commission went into Executive Session for deliberation on cases pending before the Commission.

### **Adjournment**

There being nothing further to come before the Commission, the public meeting was adjourned.

APPROVED at Olympia, Washington, this 16<sup>th</sup> day of July, 2019.

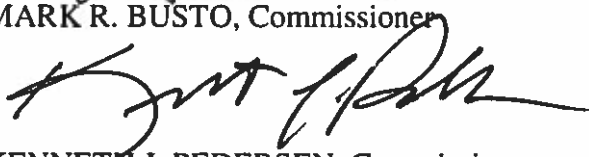
PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK R. BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner